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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,757	01/19/2005	Tadayoshi Iijima	264514US0PCT	4187
22850	7590	06/27/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER

1771

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/521,757	Applicant(s) IIJIMA, TADAYOSHI	
	Examiner Daniel Zirker	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/19/05</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, there are a few minor translation related informalities in the claims which need to be corrected; the Examiner will attempt to point them all out but some may be overlooked and applicant is urged to correct them. In independent claims 1 and 9 the term "active energy ray-curable" might be more desirably stated as --radiation curable--, and throughout the claims the ranges of the "high" and "low" refractive indexes (can the ranges for these indexes partially overlap in certain cases, as presumably the "high" index is always greater than the "low" refractive index?) are unclear and as such believed to be vague and indefinite. In claims 3 and 12, line 4 of each, after "the" insert --amount of-. In claims 7 and 16 "films" should be singular and "formed via" is informal.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oka et al taken either individually, or for claims 9-17 in view of JP Patent Abstract 2003-001744. Oka et al discloses (note the entire disclosure, particularly Col 13, line 35-Col

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14, line 25, Col 21, line 59-Col 22, line 11, Col 31, lines 22-27) amongst its enormous number of embodiments the basic structure of at least independent claims 1 and 9, wherein at least one (claim 1) antireflection layer having a layer featuring a high refractive index containing fine particles which may be formed from metal oxide are taught (Col 21, line 59-Col 22, line 4). The reference also teaches the presence of a laminated antireflection layer wherein such two layers (applicant's claim 9), one having a high refractive index, and the other having a low refractive index are taught with the high refractive index containing layer containing metal oxide particles. Additionally, Oka et al also discloses (e.g. Col 14, lines 14-25) the presence of photopolymerization initiators and/or photosensitizers as being desirably utilized in such antireflection layers as applicant claims. Finally, the reference further teaches (Col 31, lines 22-27) the desirability of having a suitable pressure sensitive adhesive on the outer surface of the antireflection layer, and the selection of such a radiation curable adhesive seems well within the ordinary skill of the art, particularly when utilizing photopolymerization initiators and/or photosensitizers in an adjacent layer. Finally, it should be noted that the impregnation of the high refractive index layer with the adhesive would be expected as being inherent in two adjacent layers. Alternatively, the secondary reference is relied upon as disclosing the specific three and four layer structure claimed by applicant in claim 9 except for the presence of the initiators and/or photosensitizers and the use of a radiation curable adhesive, with motivation for the combination of these very closely related references being the expectation of improved optical properties such as desirable reflection proof properties for the resulting article to which the film is adhered

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to. With respect to the dependent claims that have not been either expressly or inherently disclosed, such as the product by process coated film layers of claims 2,10 and 11, and the amounts of certain ingredients (claims 3,12) are each believed to be, if not either expressly or inherently disclosed, obvious modifications to one of ordinary skill, in the absence of unexpected results.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note also the partial machine translations of JP Publications 2000-338306, 09-269403, and 09-254324, and the Examiner also notes copending application 10/521,465, cited by applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker
Primary Examiner
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A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive style with a large, stylized 'Z'.